



February 16, 2007

HOUSE BILL No. 1812

DIGEST OF HB 1812 (Updated February 14, 2007 1:08 pm - DI 69)

Citations Affected: IC 4-13.6; IC 5-16; IC 5-22; IC 6-1.1; IC 36-1.

Synopsis: Energy efficient buildings. Requires a public works contract that is for the construction of a public building or structure and is entered into after December 31, 2007, to require that the building or structure must meet at least the silver rating under the United States Green Building Council's Leadership in Energy and Environmental Design (LEED) rating system or an equivalent rating system, such as a Two Globes rating system under the Green Building Initiative's Green Globes rating system. Requires a public works contract that is for the reconstruction, repair, alteration, or retrofitting of a public building or structure and is entered into after December 31, 2007, to require that the building or structure must meet at least the standards for existing buildings under the LEED rating system or an equivalent rating system. Provides that for state agency purchases, there is a 5% price preference for any electronic office equipment, including computers, monitors, printers, scanners, fax machines, and copiers, that are compliant with the United States Environmental Protection Agency Energy Star ratings. Allows a county fiscal body to adopt an ordinance providing a deduction from the assessed value of a newly constructed building or a rehabilitated building that is certified to meet the LEED rating system or an equivalent rating system. Requires the ordinance to specify the amount of the deduction. Allows the Indiana economic development corporation to adopt rules allowing the corporation to give priority to economic development projects that meet or surpass the standards of the leadership in energy and environmental design ratings systems developed by the U.S. Green Building Council or the Green Building Initiative.

Effective: July 1, 2007.

Pierce, Dvorak, Austin

January 26, 2007, read first time and referred to Committee on Environmental Affairs.
February 15, 2007, amended, reported — Do Pass.

HB 1812—LS 7482/DI 73+



C
o
p
y

February 16, 2007

First Regular Session 115th General Assembly (2007)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2006 Regular Session of the General Assembly.

HOUSE BILL No. 1812

A BILL FOR AN ACT to amend the Indiana Code concerning energy.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 4-13.6-2-12 IS ADDED TO THE INDIANA CODE
2 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
3 1, 2007]: **Sec. 12. (a) This section applies to a public works
4 contract:**

5 (1) **for the construction, reconstruction, repair, alteration, or
6 retrofitting of a public building or structure; and**

7 (2) **that is entered into under this article after December 31,
8 2007.**

9 (b) **A public works contract described in subsection (a) for the
10 construction of a public building or structure must require that the
11 public building or structure constructed under the public works
12 contract meets at least the silver rating under the United States
13 Green Building Council's Leadership in Energy and
14 Environmental Design (LEED) rating system (or an equivalent
15 rating, such as a Two Globes rating under the Green Building**

HB 1812—LS 7482/DI 73+



C
o
p
y

Initiative's Green Globes rating system).

(c) A public works contract described in subsection (a) for the reconstruction, repair, alteration, or retrofitting of a public building or structure must require that the reconstruction, repair, alteration, or retrofitting meets at least the standards for existing buildings under the United States Green Building Council's Leadership in Energy and Environmental Design (LEED) rating system (or an equivalent rating, such as a Two Globes rating under the Green Building Initiative's Green Globes rating system).

SECTION 2. IC 5-16-1-9 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 9. (a) This section applies to a public works contract:

(1) for the construction, reconstruction, repair, alteration, or retrofitting of a public building or structure; and

(2) that is entered into under this article after December 31, 2007.

(b) A public works contract described in subsection (a) for the construction of a public building or structure must require that the public building or structure constructed under the public works contract meets at least the silver rating under the United States Green Building Council's Leadership in Energy and Environmental Design (LEED) rating system (or an equivalent rating, such as a Two Globes rating under the Green Building Initiative's Green Globes rating system).

(c) A public works contract described in subsection (a) for the reconstruction, repair, alteration, or retrofitting of a public building or structure must require that the reconstruction, repair, alteration, or retrofitting meets at least the standards for existing buildings under the United States Green Building Council's Leadership in Energy and Environmental Design (LEED) rating system (or an equivalent rating, such as a Two Globes rating under the Green Building Initiative's Green Globes rating system).

SECTION 3. IC 5-22-15-26 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 26. (a) This section applies only to a contract awarded by a state agency or a purchase made by a state agency.

(b) There is a price preference of five percent (5%) for any electronic office equipment, including computers, monitors, printers, scanners, fax machines, and copiers, that are compliant with the United States Environmental Protection Agency Energy Star ratings.

SECTION 4. IC 6-1.1-12-36, AS AMENDED BY P.L.214-2005,



C
o
p
y

SECTION 13, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 36. (a) A person who receives a deduction provided under section 26, 29, 33, 34, 34.5, ~~or 38~~, **or 44** of this chapter for a particular year and who remains eligible for the deduction for the following year is not required to file a statement to apply for the deduction for the following year.

(b) A person who receives a deduction provided under section 26, 29, 33, 34, 34.5, ~~or 38~~, **or 44** of this chapter for a particular year and who becomes ineligible for the deduction for the following year shall notify the auditor of the county in which the real property or mobile home for which the person received the deduction is located of the person's ineligibility before March 31 of the year for which the person becomes ineligible.

(c) The auditor of each county shall, in a particular year, apply a deduction provided under section 26, 29, 33, 34, 34.5, ~~or 38~~, **or 44** of this chapter to each person who received the deduction in the preceding year unless the auditor determines that the person is no longer eligible for the deduction.

SECTION 5. IC 6-1.1-12-44 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 44. (a) As used in this section, "LEED silver rating" means the silver rating awarded under the Leadership in Energy and Environmental Design rating systems developed for newly constructed and rehabilitated buildings by the U.S. Green Building Council.

(b) As used in this section, "office" means the office of energy and defense development.

(c) As used in this section, "qualified real property" means a newly constructed building or a rehabilitated building that is determined by the office to meet the LEED silver rating (or an equivalent rating, such as a Two Globes rating under the Green Building Initiative's Green Globes rating system).

(d) An ordinance may be adopted by a county fiscal body to provide that a deduction applies to the assessed value of qualified real property located in the county. An ordinance adopted under this section must specify the amount of the deduction that may be applied to the assessed value of qualified real property located in the county for the appropriate year of assessment. An ordinance adopted under this subsection applies to the assessment year beginning after December 31 of the year in which the ordinance is adopted.

(e) If an ordinance has not been adopted by the fiscal body of a

C
o
p
y



1 county under subsection (d), the fiscal body of a municipality in the
 2 county may adopt an ordinance to provide that a deduction applies
 3 to the assessed value of qualified real property located in the
 4 municipality. An ordinance adopted under this section must specify
 5 the amount of the deduction that may be applied to the assessed
 6 value of qualified real property located in the municipality for the
 7 appropriate year of assessment. An ordinance adopted under this
 8 subsection applies to the assessment year beginning after
 9 December 31 of the year in which the ordinance is adopted.

10 (f) Except as provided in section 36 of this chapter, a person who
 11 desires to claim the deduction provided by this section must file a
 12 certified statement in duplicate, on forms prescribed by the
 13 department of local government finance, and a copy of the
 14 certificate of approval issued to the property owner under
 15 subsection (g) with the auditor of the county in which the property
 16 for which the deduction is claimed is subject to assessment. The
 17 person must file the statement between March 1 and June 11,
 18 inclusive, of the assessment year. The person must file the
 19 statement in each year for which the person desires to obtain the
 20 deduction. The statement may be filed in person or by mail. If
 21 mailed, the mailing must be postmarked on or before the last day
 22 for filing. On verification of the statement by the assessor of the
 23 township in which the property for which the deduction is claimed
 24 is subject to assessment, the county auditor shall allow the
 25 deduction.

26 (g) The office, upon application by a property owner, shall
 27 determine whether a newly constructed or rehabilitated building
 28 qualifies for a deduction provided by this section. A property
 29 owner must submit to the office proof that the building meets the
 30 appropriate LEED silver rating (or an equivalent rating, such as
 31 a Two Globes rating under the Green Building Initiative's Green
 32 Globes rating system) and any other information that the office
 33 needs to approve or deny the application. If the office determines
 34 that a building qualifies for a deduction, the office shall approve
 35 the property owner's application and provide a certificate of
 36 approval to the property owner. The office shall prescribe the form
 37 and manner of the approval process required by this subsection.

38 (h) If the office receives an application for certification before
 39 May 11 of the assessment year, the office shall determine whether
 40 the building qualifies for a deduction before June 11 of the
 41 assessment year. If the office receives an application for
 42 certification before May 11 of the assessment year and fails to

C
o
p
y



1 make a determination under this subsection before June 11 of the
2 assessment year, the application is considered approved.

3 (i) A denial of a deduction claimed under this section may be
4 appealed as provided in IC 6-1.1-15. The appeal is limited to a
5 review of a determination made by the township assessor, county
6 property tax assessment board of appeals, or department of local
7 government finance.

8 SECTION 6. IC 36-1-12-22 IS ADDED TO THE INDIANA CODE
9 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
10 1, 2007]: Sec. 22. (a) This section applies to a public works
11 contract:

12 (1) for the construction, reconstruction, repair, alteration, or
13 retrofitting of a public building or structure; and

14 (2) that is entered into under this chapter after December 31,
15 2007.

16 (b) A public works contract described in subsection (a) for the
17 construction of a public building or structure must require that the
18 public building or structure constructed under the public works
19 contract meets at least the silver rating under the United States
20 Green Building Council's Leadership in Energy and
21 Environmental Design (LEED) rating system (or an equivalent
22 rating, such as a Two Globes rating under the Green Building
23 Initiative's Green Globes rating system).

24 (c) A public works contract described in subsection (a) for the
25 reconstruction, repair, alteration, or retrofitting of a public
26 building or structure must require that the reconstruction, repair,
27 alteration, or retrofitting meets at least the standards for existing
28 buildings under the United States Green Building Council's
29 Leadership in Energy and Environmental Design (LEED) rating
30 system (or an equivalent rating, such as a Two Globes rating under
31 the Green Building Initiative's Green Globes rating system).

32 SECTION 7. [EFFECTIVE JULY 1, 2007] (a) The office of energy
33 and defense development may adopt rules under IC 4-22-2 to
34 implement IC 6-1.1-12-44, as added by this act.

35 (b) This SECTION expires January 1, 2010.

36 SECTION 8. [EFFECTIVE JULY 1, 2007] (a) The Indiana
37 economic development corporation may adopt rules granting
38 priority to economic development projects that include buildings
39 that meet or surpass the standards of the leadership in energy and
40 environmental design ratings systems developed by the U.S. Green
41 Building Council or the Green Building Initiative.

42 (b) This SECTION expires January 1, 2010.

C
o
p
y



1 **SECTION 9. An emergency is declared for this act.**

**c
o
p
y**



COMMITTEE REPORT

Mr. Speaker: Your Committee on Environmental Affairs, to which was referred House Bill 1812, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 1, line 14, after "system" delete "." and insert "**(or an equivalent rating, such as a Two Globes rating under the Green Building Initiative's Green Globes rating system).**".

Page 2, line 6, after "system" delete "." and insert "**(or an equivalent rating, such as a Two Globes rating under the Green Building Initiative's Green Globes rating system).**".

Page 2, delete lines 7 through 14.

Page 2, line 27, after "system" delete "." and insert "**(or an equivalent rating, such as a Two Globes rating under the Green Building Initiative's Green Globes rating system).**".

Page 2, line 34, after "system" delete "." and insert "**(or an equivalent rating, such as a Two Globes rating under the Green Building Initiative's Green Globes rating system).**".

Page 3, between lines 1 and 2, begin a new paragraph and insert:

"SECTION 4. IC 6-1.1-12-36, AS AMENDED BY P.L.214-2005, SECTION 13, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 36. (a) A person who receives a deduction provided under section 26, 29, 33, 34, 34.5, ~~or 38~~, **or 44** of this chapter for a particular year and who remains eligible for the deduction for the following year is not required to file a statement to apply for the deduction for the following year.

(b) A person who receives a deduction provided under section 26, 29, 33, 34, 34.5, ~~or 38~~, **or 44** of this chapter for a particular year and who becomes ineligible for the deduction for the following year shall notify the auditor of the county in which the real property or mobile home for which the person received the deduction is located of the person's ineligibility before March 31 of the year for which the person becomes ineligible.

(c) The auditor of each county shall, in a particular year, apply a deduction provided under section 26, 29, 33, 34, 34.5, ~~or 38~~, **or 44** of this chapter to each person who received the deduction in the preceding year unless the auditor determines that the person is no longer eligible for the deduction.

SECTION 5. IC 6-1.1-12-44 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 44. (a) As used in this section, "LEED silver rating"

C
o
p
y



means the silver rating awarded under the Leadership in Energy and Environmental Design rating systems developed for newly constructed and rehabilitated buildings by the U.S. Green Building Council.

(b) As used in this section, "office" means the office of energy and defense development.

(c) As used in this section, "qualified real property" means a newly constructed building or a rehabilitated building that is determined by the office to meet the LEED silver rating (or an equivalent rating, such as a Two Globes rating under the Green Building Initiative's Green Globes rating system).

(d) An ordinance may be adopted by a county fiscal body to provide that a deduction applies to the assessed value of qualified real property located in the county. An ordinance adopted under this section must specify the amount of the deduction that may be applied to the assessed value of qualified real property located in the county for the appropriate year of assessment. An ordinance adopted under this subsection applies to the assessment year beginning after December 31 of the year in which the ordinance is adopted.

(e) If an ordinance has not been adopted by the fiscal body of a county under subsection (d), the fiscal body of a municipality in the county may adopt an ordinance to provide that a deduction applies to the assessed value of qualified real property located in the municipality. An ordinance adopted under this section must specify the amount of the deduction that may be applied to the assessed value of qualified real property located in the municipality for the appropriate year of assessment. An ordinance adopted under this subsection applies to the assessment year beginning after December 31 of the year in which the ordinance is adopted.

(f) Except as provided in section 36 of this chapter, a person who desires to claim the deduction provided by this section must file a certified statement in duplicate, on forms prescribed by the department of local government finance, and a copy of the certificate of approval issued to the property owner under subsection (g) with the auditor of the county in which the property for which the deduction is claimed is subject to assessment. The person must file the statement between March 1 and June 11, inclusive, of the assessment year. The person must file the statement in each year for which the person desires to obtain the deduction. The statement may be filed in person or by mail. If mailed, the mailing must be postmarked on or before the last day

**C
O
P
Y**



for filing. On verification of the statement by the assessor of the township in which the property for which the deduction is claimed is subject to assessment, the county auditor shall allow the deduction.

(g) The office, upon application by a property owner, shall determine whether a newly constructed or rehabilitated building qualifies for a deduction provided by this section. A property owner must submit to the office proof that the building meets the appropriate LEED silver rating (or an equivalent rating, such as a Two Globes rating under the Green Building Initiative's Green Globes rating system) and any other information that the office needs to approve or deny the application. If the office determines that a building qualifies for a deduction, the office shall approve the property owner's application and provide a certificate of approval to the property owner. The office shall prescribe the form and manner of the approval process required by this subsection.

(h) If the office receives an application for certification before May 11 of the assessment year, the office shall determine whether the building qualifies for a deduction before June 11 of the assessment year. If the office receives an application for certification before May 11 of the assessment year and fails to make a determination under this subsection before June 11 of the assessment year, the application is considered approved.

(i) A denial of a deduction claimed under this section may be appealed as provided in IC 6-1.1-15. The appeal is limited to a review of a determination made by the township assessor, county property tax assessment board of appeals, or department of local government finance."

Page 3, line 15, after "system" delete "." and insert "(or an equivalent rating, such as a Two Globes rating under the Green Building Initiative's Green Globes rating system).".

Page 3, line 22, after "system" delete "." and insert "(or an equivalent rating, such as a Two Globes rating under the Green Building Initiative's Green Globes rating system).".

Page 3, delete lines 23 through 42.

Page 4, delete lines 1 through 24, begin a new paragraph and insert:
"SECTION 7. [EFFECTIVE JULY 1, 2007] (a) The office of energy and defense development may adopt rules under IC 4-22-2 to implement IC 6-1.1-12-44, as added by this act.

(b) This SECTION expires January 1, 2010.

SECTION 8. [EFFECTIVE JULY 1, 2007] (a) The Indiana economic development corporation may adopt rules granting

C
o
p
y



priority to economic development projects that include buildings that meet or surpass the standards of the leadership in energy and environmental design ratings systems developed by the U.S. Green Building Council or the Green Building Initiative.

(b) This SECTION expires January 1, 2010."

Renumber all SECTIONS consecutively.

and when so amended that said bill do pass.

(Reference is to HB 1812 as introduced.)

DVORAK, Chair

Committee Vote: yeas 8, nays 1.

**C
o
p
y**

